

# Search and Seizure Bulletin™

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| <b>Abandoned Property</b>   |         |   |         |
| Man drops medicine bottle as officer chases him,<br>Brown (TX) .....                    | Feb. 6  | Officers search purse passenger left in car,<br>Newsom (ID) .....   | Feb. 3  |
| Man leaves bag in lobby and walks away,<br>Murray (NY) .....                            | Feb. 5  | Officers search under covered cargo section in<br>sport utility vehicle, Olguin-Rivera (10th Cir.) ...            | April 3 |
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| Agents open safe in trunk of suspect's car,<br>Lux (ME) .....                           | Nov. 4  | Drug suspect consents to search of home,<br>Williams (LA) .....   | Oct. 2  |
| Agents search car after taking suspect to field<br>office, Fleming (DC) .....           | Feb. 3  | Hispanic man answers officer in English and<br>appears to read consent form, Medina-<br>Galaviz (10th Cir.) ..... | Feb. 5  |
| Officer searches car after telling driver he can<br>leave, Bush (6th Cir.) .....        | May 4   | Landlord finds evidence of drugs when<br>inspecting supposedly abandoned house,<br>Brauch (ID) .....              | Sept. 2 |
| Officers apprehend man who claims to "run"<br>known drug den, Page (TX) .....           | March 7 | Man allows officer to enter house to look for<br>injured person, Leupp (WA) .....                                 | Aug. 2  |
| Officers search car after capturing fleeing driver,<br>Pierre (FL) .....                | May 5   | Man argues signed consent didn't include use of<br>drug dog, Castro (FL) .....                                    | Aug. 2  |

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| Man asks if officer has to search change purse,<br>then tells him to 'go ahead', Smith (VA) ..... | Jan.  | 5    | Hotel maid finds bowls containing cocaine in<br>guest's room, Bean (TX) .....                               | Jan.  | 2    |
| Man gives oral consent to search car, Jacobs<br>(4th Cir.) .....                                  | April | 5    | Officer searches gym bag while man is on<br>stretcher, Vega (NY) .....                                      | Feb.  | 7    |
| Motel guest denies ownership of fanny pack<br>containing drugs, Harwood (ID) .....                | Sept. | 2    | Officers install meter to monitor electrical<br>consumption, Stanley (CA) .....                             | Aug.  | 4    |
| Officer asks man to open bathroom stall door,<br>Hurley (TX) .....                                | May   | 2    | Officers investigate drug use at motel, Floyd (GA) .....  | June  | 6    |
| Officer responds to burglary call, suspects drunk<br>driving, Townsend (OH) .....                 | Nov.  | 8    | Woman hands can of hairspray to man,<br>Wilson (MN) .....   | Aug.  | 3    |
| Officers search apartment with owner's consent,<br>Midi (MA) .....                                | June  | 6    | <b>Informant</b>  |       |      |
| Officers search son's locked bedroom, West (GA) ..  | May   | 2    | Convicted dealer claims warrant wasn't supported<br>by probable cause, Daniels (TX) .....                   | Sept. | 7    |
| Passenger denies suspected luggage was hers,<br>Medina-Mojica (6th Cir.) .....                    | Dec.  | 4    | <b>Inventory Search</b>   |       |      |
| Police search safe in suspect's hotel room,<br>Thomas (MN) .....                                  | Oct.  | 2    | Officer performs inventory search after arresting<br>driver for traffic violations, Lozano (7th Cir.) ..... | May   | 5    |
| Resident allows one officer into her house but not<br>the other, Kimberlin (KS) .....             | May   | 2    | Officers search unlocked console in car,<br>Mesa (OH) .....   | Dec.  | 8    |
| Woman helps police search her house, Melton (IN) ..   | April | 5    | <b>Investigative Stop</b>   |       |      |
| Woman leads police to cocaine in her mother-in-<br>law's bag, Ferryman (OH) .....                 | Jan.  | 4    | Hunters say they were treated unfairly, Elzey (GA) ..   | Sept. | 5    |
| <b>Electronic Device</b>  |       |      | Man allegedly 'breaks away' from group in high-<br>crime drug area, Miller (WI) .....                       | July  | 5    |
| Officers scan students with metal detector before<br>they enter school, F.B. (PA) .....           | June  | 2    | Officer follows car after anonymous tip,<br>McChesney (WY) .....  | Dec.  | 6    |
| Task force uses thermal image scan on suspect's<br>house, Kylo (9th Cir.) .....                   | Nov.  | 2    | Officer searches car when driver can't produce<br>license, Lark (NJ) .....                                  | June  | 4    |
| <b>Entry</b>  |       |      | Officer stops man 10 feet away from police<br>station, Penn (VI) .....                                      | May   | 3    |
| Game wardens go in search of killed elk,<br>Romain (MT) .....                                     | Oct.  | 3    | Officer stops truck missing mud flaps,<br>Viveros (WA) .....  | July  | 5    |
| Officer turned door knob and entered residence,<br>McBride (MT) .....                             | Aug.  | 8    | Officers search car after hearing gunshots,<br>Hicks (10th Cir.) .....                                      | July  | 4    |
| Officers enter open garage to knock on service<br>door, Tracht (MN) .....                         | June  | 5    | Police stop fleeing suspect, Eaglin (TX) .....  | Dec.  | 7    |
| Officers look in window and see underage<br>drinking, Huff (OH) .....                             | Aug.  | 7    | <b>No-Knock Warrant</b>   |       |      |
| Police announce but fail to knock before entering<br>seconds later, Ricketts (MO) .....           | Feb.  | 2    | Police search suspect's homes three times in six<br>years, Spry (7th Cir.) .....                            | Nov.  | 3    |
| Police make warrantless entry looking for<br>accomplice, Purvey (OH) .....                        | Oct.  | 4    | <b>Pat-Down Search</b>  |       |      |
| <b>Exigent Circumstances</b>  |       |      | Agent searches man after he gets off bus,<br>Ramirez (10th Cir.) .....                                      | June  | 8    |
| Officers search closet and dresser drawer near<br>drug suspect, Fletcher (CT) .....               | Aug.  | 4    | Did officer have predetermined objective of<br>frisking suspect?, Woods (7th Cir.) .....                    | Sept. | 3    |
| Officers smell strong odor of marijuana coming<br>from motel room, Watson (TX) .....              | March | 4    | During pat-down search, officer seizes what he<br>thinks is ID card, Tuohy (AL) .....                       | Sept. | 3    |
| Police search passed-out passenger of pick-up<br>truck, Young (MO) .....                          | June  | 3    | Man holds hand over pocket, Coleman (FL) .....  | April | 8    |
| Police search trunk of car parked on private<br>property, Harris (MA) .....                       | Oct.  | 7    | Officer feels substance in suspect's front pocket,<br>Johnson (IN) .....                                    | July  | 6    |
| <b>Expectation of Privacy</b>   |       |      | Officer finds drugs on teenager caught smoking<br>on school grounds, David S. (WV) .....                    | Oct.  | 3    |
| Driver says friend owns truck, Fuentes (10th Cir.) ..   | July  | 7    | Officer pats down man who ran from him,<br>Willis (LA) .....  | March | 8    |

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| Officers search suspects after learning they have outstanding warrants, Hill (LA) .....                           | Jan.  | 3    | Protective sweep of suspect's apartment turns up shotgun, Sanchez (NY) .....                  | May   | 3    |
| Post-pat down, officers ask person to empty his pocket, Corley (GA) .....   | April | 7    |   |       |      |
| <b>Plain View</b>   |       |      | <b>Reasonable Suspicion</b>   |       |      |
| Allegedly delusional man tells police he killed people, Kluhsman (CO) .....                                       | June  | 2    | Deputy suspects out-of-state car contains drugs, Kwiatkowski (GA) .....                       | Aug.  | 6    |
| Officer puts foot in door to hold it open, Larue (OH) .....   | Aug.  | 3    | Officer pulls drugs out of suspect's pocket while searching for weapons, Charles (OH) .....   | Nov.  | 7    |
| Officer shines flashlight into suspect's back pocket, Graham (PA) .....   | Feb.  | 4    | Officer questions young man in group with known truant, Stalling (IN) .....                   | Sept. | 4    |
| Police see crack cocaine in closet of woman who called for help, Holmes (CT) .....                                | Feb.  | 3    | Officer recognizes man he arrested month before for robbery, March (NY) .....                 | March | 2    |
| <b>Private Search</b>   |       |      | Officer stops driver who responded slowly to green light, Cryan (NJ) .....                    | June  | 4    |
| Could medical records obtained in workers' comp investigation be used in criminal trial?, Ellingsworth (UT) ..... | Jan.  | 8    | Officers stop man for trespassing, Flowers (FL) .....   | Aug.  | 6    |
| <b>Probable Cause</b>   |       |      | Police pull bars off suspect's door to make no-knock entry, Miskell (LA) .....                | Dec.  | 3    |
| Drug suspect hits police car and runs, Alexander (4th Cir.) .....   | Nov.  | 6    | Subject forcibly resists police detention and runs away, Richardson (OH) .....                | Oct.  | 8    |
| Officer requests dog unit after smelling marijuana in car, Kenner (IN) .....                                      | March | 2    | Suspect flees when cops come to investigate activity on street corner, Cook (PA) .....        | Sept. | 4    |
| Officer says he searched suspect to look for weapons, Leavitt (MO) .....  | July  | 3    | <b>Roadblock</b>  |       |      |
| Officer searches man reported to be carrying a gun, Bradford (MS) .....   | July  | 4    | Officer pats down passenger at a roadblock, Fullwiley (IL) .....                              | June  | 7    |
| Officer smells marijuana and looks in locked toolbox, McDaniel (AR) .....   | March | 3    | Police stop every car at intersection with history of traffic accidents, Brent (GA) .....     | Jan.  | 3    |
| Officers search locked toolbox in bed of truck, McDaniel (AR) .....   | July  | 2    |   |       |      |
| Officers search trunk, fearing someone may be hiding in it, Williams (GA) .....                                   | March | 3    | <b>Search Incident to Arrest</b>  |       |      |
| Police make drug bust at bus station, Tovar-Valdivia (8th Cir.) .....   | Dec.  | 4    | Man admits he has large gun in bag, Ebacher (MN) .....  | July  | 7    |
| Police search felon's home for firearms, Mustafaa (7th Cir.) .....  | Nov.  | 6    | Officer searches bag thrown by man during chase, Heringlake (WA) .....                        | Sept. | 5    |
| Woman claims husband hid drugs in car's steering column, Coonrod (OH) .....                                       | April | 6    | Officer searches wallet on table near suspect, Lancot (ND) .....                              | Feb.  | 7    |
| <b>Protective Sweep</b>   |       |      | Officers search car after administering Breathyalyzer test, Dabney (4th Cir.) .....           | Nov.  | 4    |
| Agent searches apartment before walking suspect through it, Martinez (TX) .....                                   | Feb.  | 6    | Officers search suspect five minutes after taking him from scene, McLaughlin (9th Cir.) ..... | May   | 8    |
| Man brandishes shotgun at police, Jones (8th Cir.) .....  | Dec.  | 6    | Officers search truck after arresting passengers, Horton (VA) .....                           | Sept. | 6    |
| Officer makes post-arrest protective sweep of suspect's trailer, Franklin (10th Cir.) .....                       | June  | 5    | Officers seize gun while suspect is handcuffed and guarded 15 feet away, Fisher (MN) .....    | March | 4    |
| Officer swept apartment after arresting shooting suspect outside, Bost (NY) .....                                 | Oct.  | 5    | Woman says she wasn't under arrest when officer searched car, Stevens (IN) .....              | Jan.  | 7    |
| Officers seize items in plain view before getting search warrant, Inglett (GA) .....                              | Oct.  | 5    |   |       |      |
| Officers told that suspects are armed and dangerous, Tucker (10th Cir.) .....                                     | April | 6    | <b>Supreme Court Decision</b>   |       |      |
|   |       |      | Can officer search car after issuing speeding citation?, Knowles (U.S. Supreme Court) .....   | Feb.  | 2    |
|   |       |      | Do apartment guests have expectation of privacy?, Carter (U.S. Supreme Court) .....           | Jan.  | 2    |
|   |       |      | Police search cabin after husband calls 911, Flippo (U.S. Supreme Court) .....                | Dec.  | 2    |

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| <b>Traffic Stop</b>  |       |      |   |       |      |
| Officers pull over truck two consecutive days,<br>Akram (6th Cir.) .....                       | March | 6    | Officers seize papers containing Internet<br>addresses, Walsh (GA) .....  | April | 2    |
| Officers search driver during routine traffic stop,<br>Gascoigne (WI) .....                    | May   | 6    | Officers use anticipatory warrant in child porn<br>investigation, Loy (3rd Cir.) .....                              | Nov.  | 5    |
| <b>Warrant</b>   |       |      |   |       |      |
| Agents recover deleted images from computer<br>hard drive, Upham (1st Cir.) .....              | April | 2    | Officers use battering ram on suspected drug<br>home when no one answers, Rubalcava-<br>Hernandez (10th Cir.) ..... | Dec.  | 5    |
| Officer accompanies woman to remove items<br>from home, Abraham (OH) .....                     | Sept. | 6    | Police search fields and residence located in<br>different areas, Sanders (WI) .....                                | Jan.  | 6    |
| Officer with warrant for a residence searches<br>man outside of house, Hayes (VA) .....        | July  | 6    | Warrant affidavit is partially based on illegally<br>gathered info, Chaves (11th Cir.) .....                        | May   | 6    |
| Officers allegedly find marijuana before getting<br>warrant, Soto (AZ) .....                   | March | 6    | <b>Warrantless Search</b>   |       |      |
| Officers don't knock or announce themselves at<br>suspect's house, Rayton (10th Cir.) .....    | Nov.  | 5    | Door opens after officer knocks on it,<br>Holmes (CO) .....   | July  | 8    |
| Officers drive past house after getting anonymous<br>phone tip, Bess (4th Cir.) .....          | March | 5    | Officer at crash scene looks in injured woman's<br>purse, Evans (AR) .....  | May   | 7    |
| Officers execute warrant, see subject about to<br>leave house, Dickerson (10th Cir.) .....     | Dec.  | 5    | Officer tests white powder found on driver's<br>license, Blocher (WA) .....   | Sept. | 8    |
| Officers have warrant for one man but find<br>evidence against another, Hamie (1st Cir.) ..... | March | 5    | Parole officer conducts search of murder<br>suspect's home, Cowans (OH) .....                                       | Dec.  | 2    |
| Officers seek no-knock warrant, fearing suspects<br>may destroy drugs, Macias (MA) .....       | Aug.  | 5    | Police pose as prospective real estate buyers to<br>get into suspect's apartment, Ferrari (NJ) .....                | Oct.  | 6    |
|  |       |      | Police search suspect's mouth for drugs during<br>traffic stop, Conwell (IN) .....                                  | Oct.  | 6    |
|  |       |      | Suspect claims privacy right in stolen car on<br>private property, Shaver (VA) .....                                | Dec.  | 3    |

